

REMARKS

Claims 1-7 are all the claims pending in the application. Claim 1 has been amended to indicate that the pressure in the controlled evacuation process step decreases from the previous hydrogenation process step. Claim 1 is also amended to positively state that the controlled evacuation process step carries out dehydrogenation. Support for the amendment to claim 1 may be found in the specification as originally filed, for example, in paragraph [0011] and all of the Examples and all of the Figures. It is clear from Applicants' disclosure that the pressure decreases when the hydrogenation reaction changes to the dehydrogenation reaction.

I. The Information Disclosure Statement

The Examiner states that a concise explanation of the relevance of cited document JP 3250551 was not enclosed with the Information Disclosure Statement filed March 29, 2005. The Examiner crossed off JP 3250551, signaling that it was not considered.

Filed concurrently herewith is an Information Disclosure Statement (IDS) resubmitting JP 3250551, together with the abstract of JP2001076917. JP2001076917 is the abstract for JP 3250551 and is submitted in compliance with the statement of relevance. Note the identical priority number, priority date and the application number.

Additionally, the IDS also lists (1) US Patents 5,110,374 and 4,981,532, which are English language equivalents to JP 02-004901 (previously submitted), (2) US Patent 5,417,773, which is an English language equivalent to JP5-163,510 (previously submitted), and (3) US Patent Application Publications 2002-059965 A1 and 2003-047240 A1, which are English

Amendment Under 37 C.F.R. §1.111
Application No. 10/529,547
Attorney Docket No. 052344

language equivalents to JP2002-93610 A (previously submitted). The above Japanese documents were listed in the International Search Report for the corresponding PCT application (previously submitted). The U.S. Patent documents were listed as related documents in the International Search Report for the corresponding PCT application.

II. The Examiner's "Claim Interpretation" and the Rejection Under 35 U.S.C. 102

Claims 1 to 7 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Takeshita et al, Japanese Patent Document No. 02-004901.

The Examiner states that in Applicants' claimed structure stabilization process step the hydrogen partial pressure can be 10 kPa and the temperature is in the range of 1033 to 1213 °K while in the controlled evacuation process step (claim 1, lines 16 to 21) the hydrogen partial pressure also can also be 10kPa and the temperature is also in the range of 1033 to 1213 °K. The Examiner states that the temperature and pressure of the structure stabilization process step and controlled evacuation process step can be accomplished under the same conditions and the Examiner concludes that these two steps can be interpreted to be a single step.

The Examiner states that Takeshita teaches a process of treating rare earth-iron-boron alloys in hydrogen, which, in view of the claim interpretation above, the Examiner alleges is encompassed by the instant claims.

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Takeshita and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

Amendment Under 37 C.F.R. §1.111
Application No. 10/529,547
Attorney Docket No. 052344

Claim 1 has been amended to recite that the pressure in the controlled evacuation process step, which carries out dehydrogenation, decreases from the hydrogenation process step. In view thereof, Applicants respectfully submit that the Examiner's claim interpretation that the hydrogen partial pressure for each of these steps overlap at 10 kPa has been overcome. In the instant claims, the controlled evacuation process and dehydrogenation are at a lower pressure than the hydrogenation step.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-7 is neither taught by nor made obvious from the disclosures of Takeshita and it is requested that the rejection under 35 U.S.C. §102 be reconsidered and withdrawn.

III. Conclusion

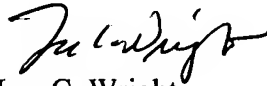
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

Amendment Under 37 C.F.R. §1.111
Application No. 10/529,547
Attorney Docket No. 052344

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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